

#### **IV. REMARKS**

1. The specification is amended to address the noted objections. Claims 23, 24, 25, 31 and 32 are amended to correct the noted informalities. Claims 17 and 25 are amended. Applicant appreciates the Examiner's indication of the allowance of claims 1-16, 22-24 and 30-34.

2. Claims 17 and 25 are not anticipated by Ejzah et al. ("Ejzak") under 35 U.S.C. §102(b).

Claims 17 and 25 are amended to recite that only the identification data of the lost convergence protocol packets is transmitted, without the content of the packets. This is not disclosed or suggested by Ejzak.

In Ejzak, the transmitter retransmits all unacknowledged "data packets" after a transmission window has been closed. The retransmission is continued until the window reopens or a receiver sends an acknowledgement message of successful reception.

However, as reflected by these claims, in Applicant's invention, it is only necessary to transmit the "identification data" of the lost packets to keep the counters synchronized on both sides, if the acknowledgements from the network element indicate that not all data packets were received correctly. It is not needed to retransmit all unacknowledged data packets after the transmission window has been closed, as is the case in Ejzak.

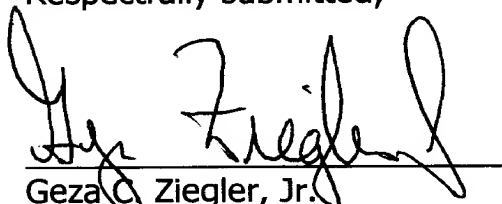
Thus, claims 17 and 25 should be allowable. Claims 18 and 20 and 26-28 should be allowable at least by reason of their respective dependencies.

5. Claims 21 and 29 are not unpatentable over Ejzak in view of Wager et al (US Patent No. 6,519,223 under 35 U.S.C. §103(a) at least by reason if their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Geza Ziegler, Jr.  
Reg. No. 44,004

25 July 2006  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

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I hereby certify that this correspondence is being transmitted electronically on the date indicated below addressed to the MAIL STOP RCE, Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 26 July 2006 Signature: Shannon D'Amico

Shannon D'Amico  
Person Making Deposit